

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(Indianapolis Division)**

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|---|---|---|
| RED BARN MOTORS, INC., | * | DOCKET NO. 1:14-cv-01589-TWP-DKL |
| PLATINUM MOTORS, INC., | * | |
| MATTINGLY AUTO SALES, INC., | * | CLASS ACTION |
| YOUNG EXECUTIVE MANAGEMENT | * | Jury Trial Demanded |
| & CONSULTING SERVICES, INC., | * | |
| Individually, and on behalf of other | * | |
| members of the general public | * | |
| similarly situated, | * | |
| | * | |
| v. | * | |
| | * | |
| COX ENTERPRISES, INC., | * | |
| COX AUTOMOTIVE, INC., | * | |
| NEXTGEAR CAPITAL, INC., | * | |
| F/K/A DEALER SERVICES | * | |
| CORPORATION, successor by merger | * | |
| with Manheim Automotive Financial | * | |
| Services, Inc., and JOHN WICK. | * | |
| | * | |

AMENDED MOTION FOR APPOINTMENT OF CLASS COUNSEL

NOW INTO COURT, through undersigned counsel, come the Named Plaintiffs, Red Barn Motors, Inc. (“Red Barn”), Platinum Motors, Inc. (“Platinum”), and Mattingly Auto Sales, Inc. (“Mattingly,” together with the other named plaintiffs, the “Named Plaintiffs”), individually and on behalf of those individuals and entities who are similarly situated (“putative Class Members”; together with Named Plaintiffs, the “Plaintiffs”), and respectfully submit this Amended Motion for Appointment of Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.¹

1 The Named Plaintiffs filed their original Motion for Class Certification and Appointment
of Class Counsel pursuant to Rules 23(c)(1)(A) and 23(g) of the Federal Rules of Civil Procedure
on September 30, 2016 (“Motion”). Dkt. 154. Oral argument on that motion is scheduled for May
9, 2017. The Named Plaintiffs adopt and re-urge all arguments made in the Motion and simply file

Since the filing of the Motion for Class Certification and Appointment of Class Counsel, Catherine E. Lasky and Kerry A. Murphy, formerly with the firm of Jones Swanson Huddell & Garrison LLC (“Jones Swanson”), formed Lasky Murphy LLC. Both Ms. Lasky and Ms. Murphy have been integral members of the Named Plaintiffs’ legal team by coordinating the discovery process, taking and defending multiple depositions and drafting many of the pleadings filed in this matter. The Named Plaintiffs have retained Lasky Murphy LLC as additional counsel in this matter.

Kerry A. Murphy and Catherine E. Lasky seek to be added as Class Counsel because of their experience with complex litigation of this type as well as their specific experience and essential role in identifying and investigating the claims in this case. Fed. R. Civ. P. 23(g)(1)(A). The specifics of Lasky Murphy’s experience and role in this case are outlined in the affidavit of Kerry A. Murphy who, when affiliated with Jones Swanson, previously requested to be appointed as Class Counsel in the initial Motion. *See Exhibit A hereto.* Ms. Murphy and Ms. Lasky have worked extensively for several years to pursue the claims alleged on behalf of the Named Plaintiffs and the putative Class Members and are fully prepared to commit the resources necessary to represent the Named Plaintiffs and the putative Class Members. They are fully qualified to prosecute the claims asserted in this action, having successfully litigated many pieces of complex commercial litigation. *Id.* Thus, the adequacy requirements of Rules 23(a)(4) and 23(g) are satisfied in this case.

For the foregoing reasons, the Named Plaintiffs request that this Court grant their request to appoint Kerry A. Murphy and Catherine E. Lasky as well as Gladstone N. Jones, Lynn E.

this amended motion in order to seek to add Lasky Murphy LLC as additional Class Counsel should the class be certified.

Swanson, James M. Garner, Ryan D. Adams, Matthew M. Coman, Cassie E. Felder, and Kathleen

A. DeLaney as Class Counsel in this case.

Respectfully submitted,

/s/ Kerry A. Murphy

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**COUNSEL FOR PLAINTIFFS AND
THE PROPOSED CLASS**

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2017, a copy of the foregoing was filed electronically. Notice of the filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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